IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.985 OF 2005

Sikander Hussain Shaikh & Ors. ...Applicants

V/s.

The State of Maharashtra ...Respondent

Ms. Ujwal R.Agandsurne for the Applicants.
Ms. Sangeeta D. Shinde A.P.P. for the Respondent.

CORAM : A.S. OKA, J.
DATED : JUNE 16, 2005.

P.C.:

1. Offence has been registered against the Applicants on 15th July, 2002 at Swargate Police Station, Pune under Sections 120-B, 143, 147, 148, 149, 302 and 324 of the Indian Penal Code and Sections 37 read with section 135 of the Bombay Police Act, 1951. On 25th March, 2003 this Court allowed the bail application filed by the Applicants and the Applicants were enlarged on bail. By order dated 2nd December, 2004 this Court cancelled the bail granted in favour of the Applicants by holding that the Applicants have voilated the conditions for grant of bail. This Court accepted the assertion made by the prosecution that in breach of the conditions imposed on the Applicants they entered into jurisdiction of the Swargate Police Station and threatened the prosecution witnesses.

2. The learned Counsel appearing for the Applicants

submitted that time of six months has lapsed from the date on which this Court cancelled earlier order of bail. He, therefore, submitted that case is made out for grant of bail. The learned A.P.P. has strongly opposed the prayer by pointing out the findings recorded by this Court in order dated 2nd December, 2004.

3. In view of what is held by this Court in order dated 2nd December, 2004, I find that no case is made out for grant of bail. Another grievance made by the learned Counsel for the Applicants is that the trial has not started. Considering the fact that the offence registered is of the year 2002 and considering the pendency of cases, it is not expected that the trial will be completed so soon. However, considering the fact that the Applicants are in jail, concerned Court is bound to make endeavour to decide the case. Hence, Application is rejected.

4. If no progress is made in the trial till 31st December, 2005, the Applicants will be entitled to make appropriate application.

JUDGE